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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 UNITED STATES OF AMERICA, )

10 Plaintiff, )

11 vs. )

12 ELMER GUY SMITH, )

13 Defendant. )  
14 \_\_\_\_\_ )

CR-09-0441-TUC-CKJ-DTF

**ORDER**

15 On April 19, 2010, Magistrate D. Thomas Ferraro issued a Report and  
16 Recommendation [Doc. No. 66] in which he recommended that the Defendant's Motion to  
17 Suppress Evidence [Doc. No. 28] and Defendant's Motion to Dismiss the Indictment [Doc.  
18 No. 27] be denied. No objections have been filed within the time provided by 28 U.S.C. §  
19 636(b).

20 Accordingly, after an independent review, IT IS ORDERED:

- 21 1. The Report and Recommendation [Doc. No. 66] is ADOPTED, and;  
22 2. Defendants' Motion to Suppress Evidence [Doc. No. 28] is DENIED, and;  
23 3. Defendant's Motion to Dismiss the Indictment [Doc. No. 27] is DENIED.

24 DATED this 13th day of May, 2010.  
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27 Cindy K. Jorgenson  
28 United States District Judge